

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CASE NO. C-1-00-869

Mark R. Hoop)	
)	
and)	CASE NO. C-1-00-869
)	
Lisa J. Hoop,)	
)	
Plaintiffs/)	
Counterclaim Defendants,)	District Judge Susan J. Dlott
)	
v.)	
)	
Jeffrey W. Hoop)	
)	
and)	
)	NOTICE OF APPEAL
Stephen E. Hoop)	
)	
and)	
)	
Hoopsters Accessories, Inc.,)	
)	
Defendants/)	
Counterclaim Plaintiffs.)	

Notice is hereby given that Mark R. Hoop and Lisa J. Hoop, all the plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Federal Circuit from the ORDER DENYING PLAINTIFFS' MOTION FOR JUDGMENT AS A MATTER OF LAW, AMENDMENT OF THE

JUDGMENT OR A NEW TRIAL, entered in this action on August 9, 2004; and from the following judgments that are included in the JUDGMENT IN A CIVIL CASE, entered in this action on August 9, 2004:

1. The Court's denial of Plaintiffs' Renewed Motion for Judgment as a Matter of Law or, in the Alternative, for a New Trial or Amendment of the Judgment;
2. The Court's declaration that United States Design Patent No. Des. 431,211 is invalid and unenforceable;
3. The Court's declaration that Jeffrey W. Hoop and Stephen E. Hoop are the true and sole inventors of the ornamental design and invention claimed, described and shown in United States Design Patent Nos. Des. 431,211 and 428,831;
4. The Court's permanently enjoining Plaintiffs Lisa Hoop and Mark Hoop from infringing United States Design Patent No. Des. 428,831;
5. The Court's declaration to be invalid Lisa Hoop and Mark Hoop's copyrights regarding and/or relating to the eagle design, whether individually and/or jointly, including, without limitation, United States Copyright Registration Nos. Vau 490-992 and 494-540;

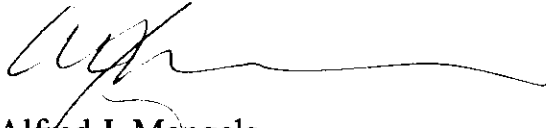
6. The Court's partial grant of Defendants Jeffrey W. Hoop and Stephen E. Hoop and Hoopster Accessories, Inc.'s Motion for Order Awarding Interest, Costs, Expenses, Attorney's Fees, and Exemplary Damages; and
7. The Court's award to Jeffrey W. Hoop and Stephen E. Hoop and Hoopster Accessories, Inc. of prejudgment interest on the \$10,800 patent infringement damages award;

and from the following Orders included in the JUDGMENT IN A CIVIL CASE entered in this action on February 11, 2004, based upon the JURY VERDICT entered in this action on February 11, 2004:

1. The Court's Order that Jeffrey Hoop and Stephen Hoop are the joint inventors of U.S. Design Patent Nos. Des. 428,831 and 431,211;
2. The Court's Order that U.S. Design Patent No. Des. 428,831 is valid;
3. The Court's Order that the defendants are entitled to damages for infringement from Mark Hoop in the amount of \$10,800;
4. The Court's Order that Lisa Hoop is not the one and only author of U.S. Copyright Registration No. Vau 490-992;
5. The Court's Order that Lisa and Mark Hoop are not the only authors of the sculpture at which U.S. Copyright Registration No. Vau 494-540 is directed;

6. The Court's Order that Mark Hoop breached the confidential disclosure agreement he had with the defendants;
7. The Court's Order that Lisa Hoop breached the confidential disclosure agreement she had with the defendants;
8. The Court's Order that there was a contract agreement between Mark Hoop and the defendants which was breached by Mark Hoop and the defendants had substantially performed their duties, and the amount of damages to which the defendants are entitled from Mark Hoop is \$318,250;
9. The Court's Order that Mark Hoop converted property that belonged to the defendants and the amount of damages as a result of Mark Hoop's conversion is \$51,317;
10. The Court's Order that Mark Hoop is entitled to recover reasonable value for services that he performed but for which has was not paid in the amount of \$36,000; and
11. The Court's Order that Lisa Hoop is not entitled to recover reasonable value for services that she performed but for which she was not paid.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing NOTICE OF APPEAL was served upon counsel for Defendants this 7th day of September 2004, by mailing a copy of the same by first-class mail, postage prepaid, in an envelope addressed as follows:

Stella B. House, Esq.
STELLA B. HOUSE, ATTORNEY-AT-LAW, P.S.C.
Post Office Box 422
Manchester, Kentucky 40962-0422

Sept. 7, 2004
Date

Alfred J. Mangels
Alfred J. Mangels
Trial Attorney for Plaintiffs